

In The United States District Court
For The Middle District of North Carolina

United States of America,
Plaintiff,

Criminal Action No.
1:13-CR-435
1:17-CV-1036



v.

Brian David Hill,
Defendant,

Declaration of Brian David Hill in Opposition to Government's
Charging Documents #156, #157, and #158

Criminal Defendant and §2255 Petitioner Brian David Hill ("Brian", "Hill") files this Declaration in opposition to the Government's Supervised Release Violation ("SRV") charging Document's #156, #157, and #158.

Declaration

I, Brian David Hill produce this statement and subject to the penalties of perjury thereof:

I am currently in the Special Housing Unit ("SHU") at the Federal Correctional Institution in Petersburg, Virginia. I was stuck in the SHU even on April 24 or 25, 2019 and had missed my Circuit Court trial in April because of it.

I am at risk of possibly a failure to appear ^{charge} because of my Federal Detainment at the SHU.
Dr. Dawn Graney had decided to release me from my evaluation in late March at FCI Butner so that I could make it to the Circuit Court trial in Martinsville, Virginia (case no. C18-3138). I was transferred to FCI Petersburg on April 16, 2019, and have remained there under Maximum Security type conditions of my detainment. I missed my Circuit Court trial because my court appointed lawyers failed to file a Writ or request with the U.S. Marshals of Roanoke for them to transport me to my trial in Martinsville in April. My lawyer never told me about my April trial date, instead it was my family who informed ~~my family~~ me of my trial date thanks to my friend Eric Clark from Williamsburg Kansas who has a PACER.GOV account and may also be able to check Virginia Court records. My lawyer Scott Albrecht did inform me of my trial date of January but also missed that because I was at FCI¹ Butner, NC because of the mental evaluation ordered by the Hon. U.S. Magistrate Judge Robert Ballou of Roanoke, VA. I missed my State Circuit Court trial twice because of being locked up in Federal custody.

The reason I was locked up in the first place for the SRV Violation was over my State Court charge, a Misdemeanor (case no. C18-3138), even though I have a lot of evidence in my favor, and yet twice I couldn't appear for trial. My lawyer had said that I was legally innocent of that charge, case law from three (3) different Virginia Circuit Courts confirming what my lawyer Scott Albrecht had said. I am the victim of carbon monoxide exposure in 2018, and a victim of a man in a hoodie. I have been jailed since September 21, 2018, over this crap, and I have been blocked from going to trial in the Circuit Court trial two times now. 7-8 months I have been locked up over this charge in Martinsville, even though I have a good chance of being found legally innocent of that charge. The U.S. Attorney needs to dismiss this SRV Violation crap, and reinstate my Supervised Release, that's justice to me and my family. I have filed Affidavits, carbon monoxide damage photos and my families report on it, Declarations copies from Federal Court record, and a Americans with Disabilities Act (ADA) accomodation form with the Clerk of the Martinsville Circuit Court, lots of evidence.

I want to go to trial in the Circuit Court, I should have been summoned instead of arrested. If I get a failure to appear, then it is the Feds fault, the U.S. Marshals fault, my lawyers fault.

I knew the Feds would stand in my way of going to trial so I requested and ~~evidence to send~~ evidence to the Virginia Attorney General that I should be given a Writ of Actual Innocence over my State charge, and filed Pro Se motions with the Circuit Court in regards to my innocence.

I should be released on bond or I recommend that my SRV charge be dismissed and my Supervised Release be reinstated.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 1, 2019.

Brian D. Hill
Signed

Drain The Swamp
Planon

Brian David Hill
#29947-057

Federal Correctional Institution
P.O. Box 1000
Petersburg, VA 23804

Stan's blog: JusticeForUSWGO.wordpress.com